(Spl. - H.C.A.S. C.D., 78-e)

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF BOMBAY AT GOA

PANAJI – GOA

APPELLATE SIDE

Misc. Civil Application No.794/2006

read with

Misc.Civil Application No.753/2006IN

SECOND APPEAL NO. 105/2003

Office Notes, Office Memoranda of Quorum appearances, Court's orders, or directions and Registrar's orders.	Court's or Judge's Orders.

Ms. P.S. Rao, Advocate for the applicant.

Mr. Sudesh Usgaonkar, Advocate for the respondent.

CORAM : P.V. KAKADE, J.

DATE : 24th November, 2006.

P.C.

Earlier, Misc. Civil Application No.753/2006, was decided on 9th November, 2006 by order stating that the premises shall be vacated on or before 4th January, 2007 and the arrears of rent at the rate of Rs.500/- per month from 1st August, 1991 shall be deposited within the said period and the amount already deposited shall be adjusted with the said arrears to be paid. It was further directed that the fresh undertaking shall be furnished by the applicant therein as well as the adult

members of his family residing in the premises

2. Today, the matter is fixed for further direction, as it appears that time was not mentioned for furnishing the undertaking.

3. Therefore, Misc. Civil Application No.794/2006 is filed by the other side for vacation of stay granted vide order dated 9.11.2006, which was passed in Misc. Civil Application No. 753/2006.

4. Learned Counsel for the judgment-debtor makes a statement that the premises shall be vacated as per the directions of the Court by giving undertaking. However, he submits that it is not possible for the judgment-debtor to deposit the amount within the prescribed period. In view of this position, the stay granted earlier in this matter stands vacated as on today and the undertaking vide this order by the judgment-debtor as well as the adult members of his family to be furnished for vacation of the premises within one week from the date of this order.

A copy of this order, duly authenticated, be issued to the applicant herein.

P.V. KAKADE, J.

ssm.